

HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JEFFREY WEBB and DONNA WEBB,
Husband and Wife,

Plaintiffs,

v.

TRAVELERS HOME AND MARINE
INSURANCE COMPANY, a Foreign
Corporation doing business in Washington,
DOES I-V,

Defendant.

No.: 2:24-cv-00431-JNW

STIPULATED MOTION TO EXTEND
CASE DEADLINES

NOTE ON MOTION CALENDAR:
OCTOBER 28, 2024

I. STIPULATION

Pursuant to LCR 10(g), LCR 16(b)(6), and Fed. R. Civ. P. 16(b)(4), Plaintiffs Jeffery Webb and Donna Webb (“Plaintiffs”) and Defendant Travelers Home and Marine Insurance Company (“Defendant” or “Travelers”) (collectively, the “Parties”) jointly move the Court for an order extending all case deadlines in the Court’s Scheduling Order. Dkt. # 12.

II. STATEMENT OF FACTS

On February 28, 2024, Plaintiffs filed suit against Travelers, their homeowners insurance company, in King County Superior Court, Case No. 24-2-04541-4 SEA. Dkt. # 1-1, 1-3. Travelers removed that case to this Court on March 29, 2024. Dkt. # 1. This case

arises from a loss that occurred at Plaintiffs' residence on or about January 7, 2022. Dkt. # 1-1. Plaintiffs asserted, among other things, the following causes of action against Travelers: (1) breach of duty of good faith and fair dealing, (2) breach of contract, (3) violation of the Consumer Protection Act, and (4) violation of the Insurance Fair Conduct Act. Dkt. # 1-1.

On June 6 and June 7, Defendant and Plaintiffs served their Initial Disclosures, respectively. Shortly thereafter, on June 25, Defendant issued its first set of written discovery to Plaintiffs. Plaintiffs responded to that written discovery on August 2.

After reviewing Plaintiffs' computation of damages and documentation regarding the same, Defendant requested a settlement demand from Plaintiffs on June 10, 2024. Plaintiffs communicated that they anticipated providing an updated settlement demand once they received an estimate from Plaintiffs' contractor. To date, Plaintiffs have not been able to secure a finalized estimate from their contractor.

Throughout this litigation, Travelers has continued to adjust Plaintiffs' claim in good faith. The Parties believe that early settlement is possible in this case, but the Parties have not been able to properly evaluate settlement without a finalized estimate from Plaintiffs' contractor. Good cause exists to extend the case deadlines to properly evaluate early settlement before incurring additional and unnecessary litigation costs.

III. ARGUMENT AND AUTHORITY

A. Good cause exists to extend the case deadlines.

Good cause exists to continue the case deadlines pursuant to Fed. R. Civ. P. 16(b)(4) and LCR 16(b)(6) because the Parties have worked diligently to assess the remaining disputed portions of Plaintiffs' insurance claim in order to contemplate early settlement.

A trial schedule may be modified only for good cause and with the judge's consent. Fed. R. Civ. P. 16(b)(4). Good cause exists where parties seeking modification of a scheduling order cannot meet the order's timetable, even with the exercise of due diligence. *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992).

Plaintiffs have diligently worked to secure a contractor's estimate in order to supply Defendant with an updated damages analysis. And, Defendant has diligently worked to gather this information from Plaintiffs. The Parties wish to minimize litigation expenses while waiting for the contractor's estimate—specifically because the Parties believe there is a likelihood of early settlement in this case. Without the contractor's estimate, it cannot be determined what damages remain in dispute, what work needs to be done on Plaintiffs' residence, and which experts the Parties should plan to retain. Despite diligent efforts, the Parties will not be able to adequately prepare for any deadline in the scheduling order, starting with expert disclosures and reports due on November 4, 2024. Dkt. # 12.

B. A five-month continuance of the case deadlines is proper.

The Parties respectfully request that the Court grant a five-month continuance of the currently scheduled trial date, along with all associated pretrial deadlines. Before this matter can proceed, the Parties need additional time to obtain an updated estimate from Plaintiffs' contractor, complete written discovery, determine experts, depose fact and expert witnesses, and conduct mediation before incurring the costs associated with trial.

In accordance with the requested continuance of trial, the Parties stipulate to the following extension of the remaining case deadlines at the Court's election. This proposed case schedule also contemplates (1) the expected, extended unavailability of Plaintiffs' counsel at the end of 2025 and (2) the trial calendars of the Parties' counsel.

Deadline	Current Date	Proposed Date
Deadline for filing amended pleadings	November 4, 2024	April 4, 2025
Disclosure of expert testimony under Fed. R. Civ. P. 26(a)(2)	November 4, 2024	April 4, 2025
Disclosure of rebuttal expert testimony under Fed. R. Civ. P. 26(a)(2)	Within 30 days after the other party's expert disclosure	Within 30 days after the other party's expert disclosure
All motions related to discovery must be filed by (<i>see</i> LCR 7(d))	December 4, 2024	May 5, 2025
Discovery completed by	January 3, 2025	June 3, 2025

All dispositive motions and motions challenging expert witness testimony must be filed by (<i>see</i> LCR 7(d))	February 3, 2025	July 7, 2025
Settlement conference under LCR 39.1(c)(2) must be held no later than	April 3, 2025	September 3, 2025
All motion in limine must be filed by (<i>see</i> LCR 7(d))	April 23, 2025	September 23, 2025
Deposition Designations must be submitted to the Court by (<i>see</i> LCR 32(e))	May 12, 2025	October 13, 2025
Agreed pretrial order due	May 12, 2025	October 13, 2025
Trial briefs, proposed voir dire questions, and proposed jury instructions must be filed by	May 19, 2025	October 20, 2025
Pretrial conference	May 27, 2025	October 27, 2025
Trial	June 2, 2025	November 3, 2025

IV. CONCLUSION

The Parties are not seeking a continuance to delay resolution of this case—rather, the Parties wish to minimize litigation expenses and explore early settlement. Upon receipt of the contractor’s estimate, the Parties will be in a better position to negotiate settlement, conduct discovery, and retain experts. For the foregoing reasons, the Parties respectfully and jointly request that the Court enters an order extending all case deadlines as proposed above, pursuant to Fed. R. Civ. P. 16(b)(4) and LCR 16(b)(6).

The Parties certify that this motion contains 958 words in compliance the Local Civil Rules.

DATED: October 28, 2024

/s/ Robert D. Bohm

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STIPULATED MOTION TO EXTEND CASE DEADLINES

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8 **ORDER**

9 It is so ordered.

10 DATED this 30th day of October, 2024.

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14 Jamal N. Whitehead
15 United States District Judge
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